UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action mailed June 5, 2007, applicant submitted an amendment filed on September 7, 2007, in which the applicant traversed and requested reconsideration with respect to **claims 1 and 12**.

Response to Arguments

2.   Applicants argue that the entire disclosure of Gould is directed not to speech recognition, but to characterization of the recognized text. However, Applicant's invention is directed to an invention similar to Gould's because the preamble has not been given patentable weight, although Gould teaches speech recognition. In response to applicant's arguments, the recitation recognizing speech has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Accordingly, the claimed limitations claims "recognizing text" similar to Gould. Therefore, Applicants arguments are not persuasive.

Applicants further argues that there is not teaching or suggestion in the entire encyclopedic disclosure of Gould of a users utterance actually having any ability to select or otherwise determine any constraint grammars to be applied to speech

following a detected prefix. Once again, Applicants are arguing something that is not claimed. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining or selecting any grammar constraint) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While Applicants inv invention teaches "using a set of grammars associated with detected prefix", it does not claim that the "users utterance actually have the ability to select or otherwise determine any constraint grammars to be applied to the speech following a detected prefix".

Applicant further argues that Gould provides extensive parsing and processing of recognized text and the there is no indication that recognized speech is provided to any target other than the speech recognition engine itself or interface software. In response to applicant's argument of the extensive parsing, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Further, Applicants admit that a target is recognized, whether from the speech recognition itself or the interface software. Therefore, Applicants arguments are not persuasive.

Applicants respectfully submit that Gould simply does not teach prefixes in context commands within detected text. Accordingly, Gould simply does provide a

prefix field. However, even if such a prefix field could be considered present in the Gould reference, there is not indication of a data structure providing a grammar field indicating a set of grammars to use with the category. However, as pointed out, column 31, line 1 – column 32, line 64, Gould teaches hints/preambles etc. Even if they identify a command once it is recognized, it will cause a category to become active which is considered to be a prefix field as defined by the claim.

Applicant further argues that there is simply no teaching or suggestion of selectable grammars associated with categories. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selectable grammars) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Gould

et al. (USPN 6,839,669), hereinafter referenced as Gould.

Regarding **claim 1**, Gould discloses a method of recognizing speech, the method

comprising:

detecting a predefined prefix (computer please; column 8, lines 38-59 and

column 33, lines 24-35 with column 42, lines 43-56 and column 77, line 61 – column 78,

line 11);

recognizing text from speech following the prefix using a set of grammars

associated with the detected prefix (speech recognition; column 7, lines 16-54 with

column 22, lines 1-14 and preambles; column 31, lines 3-16 with column 66, lines 31-67

and column 77, line 61 – column 78, line 11); and

directing recognized text to a target associated with the set of grammars (column

11, line 24 – column 12, line 51 with column 66, lines 31-67 and column 68, lines 6-19

with column 77, line 61 – column 78, line 11).

Regarding **claim 2**, Gould discloses a method wherein the set of grammars is

specific to a computer program (column 77, line 61 – column 78, line 11).

Regarding **claim 3**, Gould discloses a method wherein the target is the computer

program (computer please; column 8, lines 38-59 and column 9, lines 60-67 with

column 22, lines 1-14 and column 33, line 24 – column 34, line 65).

Regarding **claim 4**, Gould discloses a method wherein the prefix is at least one word related to the computer program (preamble; column 31, line 1 – column 32, line 64).

Regarding **claim 5**, Gould discloses a method wherein the prefix is a word (word; column 6, lines 53-65 with column 66, lines 31-67).

Regarding **claim 6**, Gould discloses a method wherein the prefix is a phrase (phrase; column 8, lines 16-59 with column 12, lines 38-51 and column 22, lines 1-14 with column 66, lines 31-67).

Regarding **claim 7**, Gould discloses a method wherein the predefined prefix, and set of grammars are specified in a category (phase to start; column 22, lines 1-14).

Regarding **claim 8**, Gould discloses a method wherein the category also includes a field to identify a parent of the category (directory paths; column 12, lines 38-51 with column 14, lines 27-32 with column 22, lines 1-14).

Regarding **claim 9**, Gould discloses a method wherein the category also includes a field to determine if a prefix is required to invoke the category (column 14, lines 27-32 and column 22, lines 1-14).

Regarding **claim 10**, Gould discloses a method executed upon a desktop computer (desktop computer; column 6, lines 40-52).

Regarding **claim 11**, Gould discloses a method executed upon a mobile computing device (handhelp computer; column 6, lines 4-19 with column 2, lines 8-26).

Regarding **claim 12**, Gould discloses a data structure for storing information relative to a speech recognition category, the data structure comprising:

a prefix field, which when recognized will cause the category to become an

ActiveCategory (preamble; column 31, line 1 – column 32, line 64);

a grammar field indicating a set of grammars to use with the category (column

22, lines 1-14);

an required field to indicate whether the prefix must be uttered in order to direct

speech to the set of grammars (preamble; column 31, lien 1 – column 32, line 64); and

a parent field indicating a parent category (preamble; column 31, lien 1 – column

32, line 64).

Regarding **claim 13**, Gould discloses a speech recognition system comprising:

an input for receiving speech (utterance of speech; column 6, lines 52-65);

a processor for recognizing speech using a set of one or more grammars

(speech recognizer; column 7, lines 16-54);

wherein the processor is adapted to recognize a prefix associated with a desired

category (preamble; column 31, line 1 – column 32, line 34), and to recognize speech

using the set of one or more grammars associated with the desired category when the

prefix is recognized to generate an output (grammar; column 66, line 52 – column 68,

line 19); and

wherein the output is provided to a target associated with the recognized

grammar (column 31, line 1 – column 32, line 34).

Regarding **claim 14**, Gould discloses a recognizer wherein the prefix must be

recognized in order activate the set of grammars (preamble; column 31, line 1 – column

32, line 64).

Regarding **claim 15**, Gould discloses a recognizer wherein the set of grammars is specific to a computer application (column 77, line 61 – column 78, line 11).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the·end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
November 14, 2007

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER